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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 IN RE CAPACITORS ANTITRUST LITIGATION

Master File No 3:17-md-02801-JD

12 THIS DOCUMENT RELATES TO:

Civil Action No. 3:14-cv-03264-JD

13 THE DIRECT PURCHASER CLASS ACTION

**[PROPOSED] FINAL JUDGMENT OF  
DISMISSAL WITH PREJUDICE AS TO  
DEFENDANTS KEMET CORPORATION  
AND KEMET ELECTRONICS  
CORPORATION**

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18 This matter has come before the Court to determine whether there is any cause why this Court  
19 should not approve the settlement between Plaintiffs Chip-Tech, Ltd., Dependable Component Supply  
20 Corp., eIQ Energy, Inc., and Walker Component Group, Inc. (together, the “Direct Purchaser  
21 Plaintiffs” or “Plaintiffs”), individually and on behalf the Direct Purchaser Class, on the one hand, and  
22 KEMET Corporation and KEMET Electronics Corporation (collectively, “KEMET”), on the other, set  
23 forth in the Settlement Agreement dated November 8, 2019 (the “Settlement Agreement”). The Court,  
24 after carefully considering all papers filed and proceedings held herein and otherwise being fully  
25 informed in the premises, has determined (1) that the settlement should be approved, and (2) that  
26 there is no just reason for delay of the entry of this Final Judgment approving the Settlement  
27 Agreement. Accordingly, the Court directs entry of Judgment, which shall constitute a final  
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1 adjudication of this case on the merits as to KEMET in accordance with the terms of the Settlement  
2 Agreement.

3 Good cause appearing therefore:

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

5 1. The Court has jurisdiction over the subject matter of the Action and over all parties to  
6 the Settlement Agreement, including all members of the Class.

7 2. The Court incorporates in this Final Judgment the definitions of terms set forth in the  
8 Settlement Agreement, MDL ECF No. 1068-2, Ex. A, as though they were fully set forth in this Final  
9 Judgment, except that the Court incorporates the definition of “Class” as defined in its preliminary  
10 approval order. MDL ECF No. 1340. As set forth in that order, Class means:

11 All persons (including individuals, companies, or other entities) that  
12 purchased Capacitors (including through controlled subsidiaries, agents,  
13 affiliates, or joint ventures) directly from any of the Defendants, their  
14 subsidiaries, agents, affiliates, or joint ventures from January 1, 2002 to  
15 December 31, 2013 (the “Class Period”), and such persons are: (a) inside  
16 the United States and were billed or invoiced for capacitors by one or more  
17 Defendants during the Class Period (*i.e.*, where capacitors were “billed to”  
18 persons within the United States); or (b) outside the United States and were  
19 billed or invoiced for capacitors by one or more Defendants during the  
20 Class Period, where such capacitors were imported into the United States  
21 by one or more Defendants (*i.e.*, where the capacitors were “billed to”  
22 persons outside the United States but “shipped to” persons within the  
23 United States).

24 Excluded from the Class are: (1) Defendants (and their subsidiaries,  
25 agents, and affiliates); (2) shareholders holding more than 10% equity  
26 interest in Defendants; (3) each member of the Class that timely requests  
27 exclusion by “opting out”; (4) governmental entities; and (5) the judges  
28 and chambers staff in this case, including their immediate families.

3. The Court finally approves and confirms the settlement set forth in the Settlement  
Agreement and finds that said settlement is, in all respects, fair, reasonable and adequate to the Class  
pursuant to Rule 23 of the Federal Rules of Civil Procedure.

4. The persons/entities identified in the “Summary of Entities Requesting Exclusion from  
Settlement with KEMET,” attached as **Exhibit A**, have validly requested exclusion from the  
Settlement Class and, therefore, are excluded. Such persons and entities, and only such persons and

1 entities, are not included in or bound by this Final Judgment to the extent they have requested  
 2 exclusion from the settlement relating to KEMET. Such persons and entities shall not receive any of  
 3 the proceeds obtained through the Settlement Agreement to the extent they have requested exclusion  
 4 from the settlement relating to KEMET.

5 5. This action is dismissed with prejudice as against KEMET, each side to bear its own  
 6 costs and attorneys' fees except as provided by the Settlement Agreement and the Court's orders.

7 6. All persons and entities who are Releasors are hereby barred and enjoined from  
 8 commencing, prosecuting or continuing, either directly or indirectly, against the Releasees, in this or  
 9 any other jurisdiction, any and all claims, causes of action or lawsuits, which they had, have, or in the  
 10 future may have, arising out of or related to any of the Released Claims as defined in the Settlement  
 11 Agreement. MDL ECF No. 1068-2, Ex. A.

12 7. The Releasors hereby and forever release and discharge the Releasees with respect to  
 13 the Released Claims as defined in the Settlement Agreement. MDL ECF No. 1068-2, Ex. A.

14 8. Without affecting the finality of the Court's judgment in any way, the Court retains  
 15 continuing and exclusive jurisdiction over the Settlement and the Settlement Agreement, including all  
 16 future proceedings concerning the administration, interpretation, consummation, and enforcement of  
 17 the Settlement Agreement.

18 9. This document constitutes a final judgment and separate document for purposes of  
 19 Federal Rule of Civil Procedure 58(a).

20 10. The Court finds, pursuant to Rules 54(a) and (b) of the Federal Rules of Civil  
 21 Procedure, that there is no just reason for delay in the entry of this Judgment, as a Final Judgment, as  
 22 to the Plaintiffs, the Class, and KEMET, in accordance with the terms of the Settlement Agreement.  
 23 Accordingly, the Court directs the Clerk to enter Judgment forthwith.

24 IT IS SO ORDERED.

25 Dated: \_\_\_\_\_

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 HON. JAMES DONATO  
 United States District Judge

Master File No 3:17-md-02801-JD  
 Civil Action No. 3:14-cv-03264-JD

# EXHIBIT A

**Summary of Entities Requesting Exclusion from Settlement with KEMET**

<b>Requesting Entity</b>	<b>Entity/Affiliate with Record of Transactions</b>	<b>Location</b>
Dell Technologies, Inc.	Dell Computer Corporation	Round Rock, TX
	EMC Corporation	Hopkinton, MA
	Wyse Technology	Round Rock, TX
Microsoft Mobile/Nokia	Microsoft Mobile	Redmond, WA
	Nokia	Naperville, IL
	Nokia	San Diego, CA